

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: ENTERGY POWER GENERATION CORPORATION, HAWKEYE GENERATING, L.L.C.	DOCKET NO. GCU-01-2
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**ORDER DENYING MOTION TO STRIKE AND
MOTION TO RECONSIDER**

(Issued March 29, 2002)

On March 11, 2002, Scott Moore and Dixie Moore (Moore) of 1246 Adair Union Drive, Creston, Iowa 50801, filed with the Utilities Board (Board) a petition to intervene in Docket No. GCU-01-2. On March 19, 2002, the Board issued an order granting the Moore's petition, denying an out-of-state attorney's motion to appear, and revising the procedural schedule.

On March 22, 2002, the Moore's filed documentary evidence with the Board pursuant to the revised procedural schedule. The evidence consists of a farm appraisal of the Moore's farm located in Union County, Iowa.

On March 26, 2002, Hawkeye Generating, L.L.C. (Hawkeye), filed with the Board a motion to strike and a motion to reconsider the order granting intervenor status to the Moore's. Hawkeye asserts in its motion to strike that the Moore's improperly served their petition to intervene as well as their documentary evidence on Hawkeye's counsel. In addition, Hawkeye asserts in its motion to reconsider that the

Moore's have demonstrated an improper motive for intervention by filing a farm appraisal in these proceedings.

With respect to Hawkeye's motion to strike, the Board finds that while the Moore's have not fully complied with the Board's rules regarding proper service of filings, Hawkeye and Hawkeye's counsel have received actual notice of both the Moore's' petition to intervene and documentary evidence, and have, in both instances, filed timely responses and objections to those filings. Therefore, the Board finds that there has been no substantial harm to Hawkeye as a result of the improper service and will deny Hawkeye's motion to strike. However, the Board will require the Moore's properly serve a copy of all future filings on Hawkeye's counsel, Ivan Webber, at 100 Court Avenue, Suite 600, Des Moines, Iowa 50309-2231, pursuant to the rules of service set forth in 199 IAC 7.6(1).

With respect to Hawkeye's motion to reconsider, the Board finds that Hawkeye has raised an issue regarding the relevancy of the Moore's' documentary evidence, which is more properly addressed at the hearing in this matter. Therefore, the Board will deny Hawkeye's motion to reconsider.

IT IS THEREFORE ORDERED:

1. The motion to strike and motion to reconsider filed by Hawkeye Generating, L.L.C., on March 26, 2002, is denied.

2. Scott Moore and Dixie Moore of 1246 Adair Union Drive, Creston, Iowa 50801, shall serve a copy of all their future filings in this proceeding on Ivan Webber, counsel for Hawkeye Generating, L.L.C., at 100 Court Avenue, Suite 600, Des Moines, IA 50309-2231.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 29th day of March, 2002.